

custody of a plant pest, means of conveyance, product or article subject to the regulations in this part.

*Permit.* An authorization allowing the movement into or through the United States, or interstate, of a plant pest, or a regulated product, article, or means of conveyance in accordance with the provisions in this part.

*Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

*Plant pest.* (1) Except for §§ 330.200 through 330.212, “plant pest” means any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(2) For purposes of §§ 330.200 through 330.212, *plant pest* means any living stage of insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances of the aforementioned which are not genetically engineered as defined in 7 CFR 340.1 which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

*Plant Protection and Quarantine Programs.* The Plant Protection and Quarantine Programs, Animal and Plant Inspection Health Service of the Department.

*Plant Quarantine Act.* The act approved August 20, 1912, 37 Stat. 315 as amended (7 U. S. C. 151 *et seq.*).

*Regulated garbage.* That material designated as “regulated garbage” in § 330.400(c) and § 330.400(d).

*Shelf-stable.* The condition achieved in a product, by application of heat, alone or in combination with other ingredients and/or other treatments, of being rendered free of microorganisms capable of growing in the product at

nonrefrigerated conditions (over 50° F. or 10° C.).

*Soil.* The loose surface material of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

*Territories or possessions.* Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

*The Federal Plant Pest Act.* Title I of the act approved May 23, 1957 (Title I, 71 Stat. 31; 7 U. S. C. 150aa *et seq.*).

*Through the United States.* From and to places outside the United States.

*United States.* The States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[24 FR 10825, Dec. 29, 1959, as amended at 36 FR 24917, Dec. 24, 1971; 39 FR 32320, Sept. 6, 1974; 43 FR 39954, Sept. 9, 1978; 45 FR 80268, Dec. 4, 1980; 52 FR 22907, June 16, 1987; 52 FR 49344, Dec. 31, 1987; 53 FR 49976, Dec. 13, 1988]

### § 330.101 Policy.

The purpose of the regulations in this part is to prevent the dissemination of plant pests into the United States, or interstate, by regulating the movement of plant pests into or through the United States, or interstate, and the movement of means of conveyance, earth, stone and quarry products, garbage, and certain other products and articles into or through the United States, or from any Territory or possession into or through any other Territory or possession or the continental United States. The Deputy Administrator shall employ procedures to carry out this purpose which will impose a minimum of impediment to foreign commerce and travel whenever practicable, consistent with proper precaution against plant pest dissemination. The same policy is to be applied in the case of interstate commerce and travel.

### § 330.102 Basis for certain regulations.

Whereas the unregulated movement of means of conveyance, their stores, baggage, mail, plants, plant products, garbage, earth, stone and quarry products, and other products and articles into or through the United States from

places outside thereof or from any Territory or possession into or through any other Territory or possession or the continental United States may disseminate plant pests which are outside the scope of the Plant Quarantine Act, as well as pests within that act, and whereas authority to regulate the movement into or through the United States from foreign countries of means of conveyance and other nonplant products and articles, independently of plants or plant products, is not conferred by the Plant Quarantine Act, the regulations in this part are promulgated under the authority of the Federal Plant Pest Act.

**§ 330.103 Documentation.**

Any notifications, reports, and similar documentation not specified in the regulations in this part, but necessary to carry out the purpose of the regulations, will be prescribed in administrative instructions.

**§ 330.104 Ports of entry.**

Ports of entry for plant pests, means of conveyance, or other products or articles of any character whatsoever the entry or movement of which is regulated by the regulations in this part may be specified in administrative instructions or in the permits if permits are required by the regulations. Such ports shall be selected by the Deputy Administrator from ports named in 19 CFR 1.2 as "ports of entry" for the purpose of enforcing the customs laws or named in 19 CFR 6.13 as "international airports," or airports at which permission to land aircraft has been granted by the Commissioner of Customs or by the Collectors of Customs in accordance with 19 CFR 6.2. Except as otherwise provided by administrative instructions, or by permits issued in accordance with this part, the ports of entry shall be those named in 19 CFR 1.2 and 6.13. The port of entry in Guam shall be Agana unless otherwise specified in the permit by the Deputy Administrator.

**§ 330.105 Inspection.**

(a) *Inspection of foreign arrivals.* In order to prevent the dissemination into the United States of plant pests and for the purpose of carrying out the regula-

tions in this part, all plant pests; means of conveyance and their stores; baggage; mail; plants; plant products; soil; stone and quarry products under § 330.300; garbage; and any other product or article of any character whatsoever which an inspector considers may be infested or infected by or contain a plant pest, arriving in the United States from any place outside thereof for entry into or movement through the United States shall be subject to inspection by an inspector at the port of first arrival, except that mail will be handled in accordance with the joint customs and postal regulations for inspecting and handling mail. No such plant pests; means of conveyance or their stores; baggage; mail; plants; plant products; soil; stone or quarry products under § 330.300; garbage; or other products or articles which an inspector notifies the Customs authorities should be held for inspection shall be released by Customs officers for entry or onward movement until released by an inspector. The release of all means of conveyance, products and articles regulated under parts 319, 321, and 352 of this chapter shall be in accordance with the requirements of those parts and the applicable provisions in this part. Whenever it shall be deemed safe to modify the requirements of this section by exempting any class of means of conveyance, products or articles from the requirement that they be held for inspection and release of the inspector, the exemptions shall be specified in administrative instructions. Inspectors shall make local arrangements, in accordance with policies of the Plant Protection and Quarantine Programs, with the Collector of Customs for the release by Customs officers on behalf of the inspector of any class of means of conveyance, their stores, baggage, mail, or other products or articles when such arrangements do not increase unduly the danger of plant pest dissemination and will facilitate clearance of means of conveyance, baggage, mail, or other products or articles.

(b) *Inspection of domestic movements.* For the purpose of preventing the interstate movement of plant pests, provisions requiring inspection of means of conveyance and products or